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Agenda item 4

DRAFT OUTCOME OF THE WORLD SUMMIT FOR SOCIAL DEVELOPMENT: DRAFT DECLARATION AND DRAFT PROGRAMME OF ACTION

Contributions of organs, organizations and programmes of the United Nations system

Note by the Secretary-General

Addendum

Submission by the Office of the United Nations High Commissioner for Refugees

1. The Office of the United Nations High Commissioner for Refugees (UNHCR) has submitted for the consideration of the Preparatory Committee at its third session the annexed comments on the draft declaration and the draft programme of action (A/CONF.166/PC/L.22). The annex is submitted to the Preparatory Committee in the language of submission.

2. Chapter X of the Programme of Action of the International Conference on Population and Development, entitled "International migration", to which reference is made in the attached text, is available in the report of the Conference (A/CONF.171/13, chap. I, resolution 1, annex).

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Annex

UNHCR'S COMMENTS ON DRAFT DOCUMENT A/CONF.166/PC/L.22

In the course of the preparatory process for the World Summit for Social Development the Office of the United Nations High Commissioner for Refugees (UNHCR), has submitted its views on the core themes of the Summit--enhancement of social integration, alleviation and reduction of poverty and expansion of productive employment--as far as these concepts relate to refugees, displaced persons and returnees. We have in particular drawn attention to the need to fully recognize the special situation of these persons when compared with other categories of individuals which form part of the contemporary migratory movements. Copies of our Position Paper submitted to the Second Preparatory Committee and a brief note entitled *Refugees at A Glance* are made available to the participants of the Third Preparatory Committee.

The draft Declaration and Programme of Action, contained in A/CONF.166/PC/L.22, include a number of references to refugees and displaced persons. It also refers to different categories of migrants. The draft does not, however, make a clear distinction between these groups of individuals. Yet, the causes for their movements are an important factor in the determination of their status, based on which their protection and assistant needs are met as well as solutions sought by the host country and the international community.

In this respect, it is important to note that refugees--unlike migrants--are forced to leave their home countries. Today disintegration of states is one of the main causes for the flight of refugees and displaced persons. Conversely, repatriation and reintegration provide solutions to refugee problems and contribute to rehabilitation of societies and reconstruction of war torn countries. This was recognized by the General Assembly in its forty-ninth session (A/RES/49/169) in a call to Governments to support UNHCR in its efforts to assist "persons who have been forced to flee or to remain outside their countries of origin as a result of danger to their life or freedom owing to situations of conflict and to seek solutions to the problems arising from their forced displacement".

In the Programme of Action of the United Nations International Conference on Population and Development (ICPD), such distinctions, corresponding definitions and specific actions in respect of refugees and displaced persons, on the one hand, and documented and undocumented migrants, on the other hand, were clearly spelled out.

It is therefore suggested that the draft Programme of Action would build on the already agreed text of the Programme of Action of the ICPD. This would be particularly opportune in order to ensure that the different United Nations conferences would be mutually supportive.

The text of the Programme of Action of the ICPD is enclosed herewith for ease of reference. UNHCR would also be prepared to provide more specific drafting suggestions on the provisions of the draft declaration and programme of action on which brief comments are provided below:

DRAFT DECLARATION

Commitment 4 reads:

"We commit ourselves to promoting social integration and participation of all people by fostering societies that are stable, safe and just."

This general principle is followed by commitments, such as:

(c) "Adopt specific measures to enhance respect for cultural diversity and for the human rights and needs of refugees, internally displaced persons and migrants and migrant workers;" and

(f) "Encourage the ratification and full implementation of all international instruments relevant to the elimination of discrimination and the protection of human rights."

Comments:

The reference in (c) to "migrants and migrant workers" is not clear. As was pointed out above, the human rights and needs of refugees and internally displaced persons on the one hand, and economic migrants on the other, are different. It would therefore not be appropriate, as is the case in the draft Declaration and Programme of Action, to classify them as being the same. In order to have clear distinction between these categories, it is suggested that sub-paragraph (c) be broken into two separate sub-paragraphs, one dealing with refugees and displaced persons and the other with migrants and migrant workers.

In order to be consistent with this distinction, it is also suggested that sub-paragraph (f) would include a mention of the relevant instruments of refugee law.

DRAFT PROGRAM OF ACTION

II. Eradication of Poverty

Para (19) refers to lack of income and productive resources; hunger and malnutrition; illiteracy; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion as manifestations of poverty.

Comment:

It is suggested that the text includes a specific reference to forced displacement as a contemporary manifestation of poverty and exposure to vulnerability.

IV. Social Integration

Para (61) describes the negative developments brought about, inter alia, by migration and major dislocations of population. The text disregards the positive influence that migration historically has had on development.

Comment:

It is again felt that the draft Declaration and the Programme of Action should make a clear distinction between different forms of migratory movements and give a balanced description of their positive and negative implications. Paragraph (10.1) of the Programme of Action ICPD contains a balanced text that could be drawn from.

Section E. "Equitable treatment and integration of migrants, migrant workers, refugees and displaced persons" starts off with a general statement : "To promote the equitable treatment and integration of all groups..." and thereafter refers to "undocumented migration", "migrants" who shall enjoy "full protection", family reunification for "documented migrants", and "long-term migrants". There is also a recommendation to promote "the search for durable mechanisms that promote shared responsibility for the protection and assistance needs of refugees" (70g).

Comments:

It is felt that the whole text of para (70) needs clarification. In this respect, it is particularly important as mentioned above to have a clear distinction between the different categories and to separate refugees and displaced persons from other migrants due to the specific nature of their situations and rights. Consequently section (E) could be strengthened by including therein the reintegration of refugees and displaced persons. This is particularly important as refugees and displaced persons currently invariably return to conditions with immense needs for post-war reconstruction and societal rehabilitation.

Consequently section (F) would merely deal with groups other than refugees and displaced persons.

UNHCR
January 1995